

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Ferek-Petric et al.	Examiner:	Kai Rajan
Serial No.	10/631,953	Group Art:	3736
Filing Date:	July 31, 2003	Docket No.:	P0008856.04
Title:	COMMUNICATIONS SYSTEM FOR AN IMPLANTABLE MEDICAL DEVICE AND A DELIVERY DEVICE		

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**DECLARATION UNDER 37 C.F.R. § 1.131 ANTEDATING A REFERENCE**

I hereby declare the following:

- 1) I am currently and correctly named as an inventor in the pending patent application entitled "COMMUNICATIONS SYSTEM FOR AN IMPLANTABLE MEDICAL DEVICE AND A DELIVERY DEVICE," U.S. patent application serial number 10/631,953; which is a continuation-in-part of the applications entitled "COMMUNICATIONS SYSTEM FOR AN IMPLANTABLE DEVICE AND A DRUG DISPENSER," U.S. patent application serial number 10/123,958; and the parent application entitled "COMMUNICATIONS SYSTEM FOR AN IMPLANTABLE DEVICE AND A DRUG DISPENSER," U.S. patent application serial number 09/475,709, in which I was also correctly named as the inventor.
- 2) The Invention Disclosure Forms that described the invention were completed and submitted through the invention disclosure process to Medtronic, Inc. for consideration prior to December 30, 1999 (redacted copies of said forms are attached hereto).
- 3) The relevant portions of the submitted invention disclosure forms referenced in paragraph 2 above and relied upon to support the antedating of the reference cited by the United States Patent and Trademark Office, were conceived of by me and/or the other named inventor before October 21, 1999.
- 4) Prior to December 30, 1999, I reviewed and approved a draft of the above referenced patent application of the invention.

- 5) A final copy of the patent application was provided to me for review. I read and understood the patent application as being an accurate description of the invention disclosed in the Invention Disclosure Form referred to above.
- 6) A patent application for the invention disclosed in the above referenced Invention Disclosure Form was filed on December 30, 1999.
- 7) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: Dec. 18, 2007

  
Dwight H. Warkentin